

**REMARKS****Summary of the Office Action**

Claims 1 and 25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Liebenow (U.S. Patent No. 6,012,146) (hereinafter "Liebenow") in view of McLean et al. (U.S. Patent No. 5,282,247) (hereinafter "McLean").

Claims 4, 5, 7-16 and 19-22 stand rejected under U.S.C. § 103(a) as being unpatentable over Liebenow in view of McLean and further in view of Grimes et al. (U.S. Patent No. 6,964,045) (hereinafter "Grimes").

Claims 2, 3, 6, 17 and 23 stand rejected under U.S.C. § 103(a) as being unpatentable over Liebenow in view of McLean and Grimes and in further view of Morisawa et al. (U.S. Patent No. 5,537,544) (hereinafter "Morisawa").

Claims 18 and 24 stand rejected under U.S.C. § 103(a) as being unpatentable over Liebenow in view of McLean and Grimes and in further view of Kato (U.S. Patent No. 6,453,233) (hereinafter "Kato").

**Summary of the Response to the Office Action**

Applicants are presenting arguments in response to the above rejections in support of patentability of the pending claims. Claims 1-25 are currently pending for consideration.

**Rejections under 35 U.S.C. § 103(a)**

The undersigned would like to thank the Examiner for his courtesy and consideration extended during the telephone interview. The arguments set forth below are consistent with those presented during the telephone interview.

Claims 1 and 25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Liebenow in view of McLean. Claims 4, 5, 7-16 and 19-22 stand rejected under U.S.C. § 103(a) as being unpatentable over Liebenow in view of McLean and further in view of Grimes. Claims 2, 3, 6, 17 and 23 stand rejected under U.S.C. § 103(a) as being unpatentable over Liebenow in view of McLean and Grimes and in further view of Morisawa. Claims 18 and 24 stand rejected under U.S.C. § 103(a) as being unpatentable over Liebenow in view of McLean and Grimes and in further view of Kato. These rejections are respectfully traversed for at least the following reasons.

Applicants respectfully submit that independent claim 1, for example, recites the following features:

(A) the password is any one of a first password that cannot be updated and that is unique for each individual data processing apparatus, and a second password that is common for a plurality of data processing apparatuses including said data processing;

(B) the data to be processed in said data processing apparatus are previously recorded onto the recording medium;

(C) said second password is recorded on said recording medium to prevent the data thereon from being illegally copied and distributed from the recording medium before

installation of the data into the data processing apparatus, and changed to the first password after the installation; and

(D) said first password prevents the data from being illegally copied and distributed from the recording medium and the data processing apparatus on or after installing the data on the data processing apparatus.

In the Office Action, the Examiner contends that the features in (A) and (C) above which relate to the first password are taught by Liebenow, and that the features in (A) and (D) above that relate to the second password are taught by McLean. Applicants respectfully disagree.

Applicants respectfully submit that Liebenow relates to a removable hard disc (HD), in which a user can arbitrarily set up a password, which we can refer to as “password  $\alpha$ .” Another password, which we can refer to as “password  $\beta$ ,” is retained by a system, and access to the HD is permitted after the system determines that the two passwords match. Accordingly, access to the HD is restricted if the passwords do not match.

In the Office Action, password  $\alpha$  is interpreted as the claimed “first password” and the Examiner refers to the description in column 2, line 49 to column 3, line 25 of Liebenow. However, Liebenow fails to teach that the password  $\alpha$  is unique for each individual data processing apparatus. Rather, as described in the objects of the Liebenow device as set forth beginning in column 1, line 45 of Liebenow, the password  $\alpha$  can be common for various devices. If the password  $\alpha$  is used with various devices, this contradicts with an ability for users to arbitrarily set up passwords. Also, even if a user can set up a password  $\alpha$  in common with various systems, it becomes possible for any of the systems to access the HD. This is contrary to

the objects of Liebenow to maintain data securely. For example, column 1, line 38-48 of Liebenow state that “[i]t is clearly desirable to provide protection for data stored on a removable data storage device that is independent of the system in which it is installed” and “[a]ccordingly, it is an object of the present invention to provide a novel device and method for controlling access to data stored on a removable data storage device which obviates the problems of the prior art.”

In addition, Liebenow describes four types of passwords beginning in column 4, line 16, namely, a first fleet password, a second fleet password, a first password and a second password. Specifically, column 4, lines 16-35 of Liebenow state the following: “In a further embodiment of the present invention a fleet password for accessing plural storage media may be used in the same manner as described above. A fleet password may be established and retained by a system administrator to provide an alternative means of accessing data on a restricted storage medium if the above-described second password is lost. A first fleet password common to a plurality of hard drives 10 may be stored in location 14 with the first password and may be compared to a second fleet password in the manner discussed above. For example, logic unit 22 may include an additional AND gate 32 which has as one input the result of the comparison of the first and second fleet passwords and as the other input a BIOS generated unlock signal. The outputs of gates 30 and 32 may be provided to OR gate 34 which provides the appropriate signal to control access to storage medium 12. In operation, the second password may be compared to the first password, and if it does not match a further comparison may be made to the first fleet password. If the second password matches either, access would be granted.” (emphasis added).

According to the Examiner, “Liebenow fails to disclose a password that is unique for each individual data processing apparatus and replacing the password on the recording medium with the unique password after installation. However, McLean et al. teaches a password that is unique for each individual data processing apparatus...” However, Applicants respectfully submit that since Liebenow discloses co-existence of these four kinds of passwords, one skilled in the art would not have found it obvious or possible to combine the teachings of Liebenow and McLean.

Furthermore, Applicants respectfully submit that McLean fails to teach or suggest a unique password and replacement of a password because McLean fails to disclose an original password for a memory card (i.e., a second password recorded on the recording medium) to be replaced. Rather, McLean discloses how a password for a memory card is initially set up under a secure mode, for example, using a machine readable serial number. Furthermore, Applicants submit that one skilled in the art would not have found it obvious or possible to employ a technique disclosing a unique password or replacement of a password in a technique requiring four passwords, such as that taught by Liebenow. Hence, Applicants respectfully submit that such a finding of obviousness is based on an impermissible hindsight reconstruction taking into account knowledge of the claimed embodiments of the invention.

For at least the above reasons, Applicants submit that Liebenow and McLean, as well as the other cited references, fail to teach or suggest “a second password that is common for a plurality of data processing apparatus” as recited in (A) above, and fail to teach or suggest (C) above in its entirety.

In addition, as discussed during the interview, Applicants respectfully submit that other independent claims, such as independent claim 13, specifically recite a data processing apparatus having a re-writable recording medium comprising first data, second data, a first password and a second password. Claim 13 further recites specific manners in which the first and second passwords are used. That is, claim 13 recites that the controlling device clears restriction of access to the first data with use of the first password, determines whether or not the second data is original with use of the second password, and changes the first data to the second data when the second data is determined to be original. In addition, claim 14, which depends from claim 13, recites that the controlling device changes the second password to the first password after the update of the first data, and makes access to the first data and the second data with the use of the first password. Applicants respectfully submit that none of the cited references teaches or suggests these features.

Accordingly, for at least the foregoing reasons, Applicants respectfully submit that Liebenow and McLean fail to establish a prima-facie case of obviousness against independent claims 1 and 25. Applicants respectfully submit that similar features as discussed above are also included in amended independent claims 4, 8, 9, 11, 13 and 19. Accordingly, similar arguments as applied above with regard to independent claims 1 and 25 also apply to claims 4, 8, 9, 11, 13 and 19.

Furthermore, Applicants respectfully submit that the teachings of Grimes, Morisawa and Kato fail to make up for at least those deficiencies in the teachings of Liebenow and McLean as discussed above. In addition, Applicants respectfully submit that the dependent claims are

allowable at least because of their dependence from independent claim 1, 4, 9, 11, 13 or 19, and reasons consistent with those set forth above.

### **CONCLUSION**

In view of the foregoing, Applicants submit that the pending claims are in condition for allowance, and respectfully request reconsideration and timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution. A favorable action is awaited.

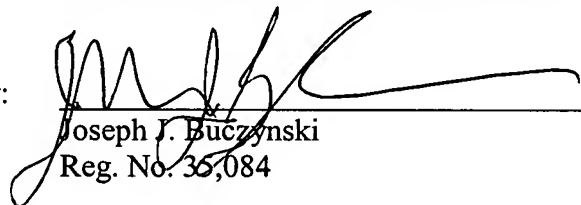
**EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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